SUBJECT: Background Checks

Definitions

Background Checks: Checks can include, but not limited to, fair credit report, criminal record, sex offenders, work reference history, character references, and other business related inquiries.

Applicant: An individual, who applies for an authorized, posted position with the Blinn College District.

Controlled Substance: The meaning assigned in Texas Health & Safety Code § 481.002, as that section may be amended from time to time.

Criminal Conviction Record Information: Public information maintained by the Department of Public Safety as provided in Texas Government Code § 411.135.

Criminal History Record Information: Information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions, as more fully described in Texas Government Code § 411.082.

Current Employee: A person who is on the Blinn College District’s payroll when background checks are requested or performed.

Security Sensitive: Positions in which described in Board Policy DC (Legal) and those positions designated by the College District. Positions designated by the College District have the ability or access to interact with a student.

A position is considered posted when it is placed on the Blinn College District’s employment website and, as determined by College District administration, and/or is advertised externally via electronic or printed media. The position advertisements and posting notices will state “This position is subject to the successful completion of a background check.”

Purpose

The Blinn College District strives to provide the safest possible environment for students, visitors, faculty, and staff. In an effort to maintain a safe environment, the College District shall conduct background checks on applicants who are selected as finalists to fill posted positions.

Personnel Changes Subject to Background Checks

Current employees, under final consideration, following the normal screening and selection processes for a new position, may be subject to a background check.

Procedures

All final applicants for posted positions deemed security sensitive shall be required to have a background check conducted prior to the first day of employment. The background check will occur after a conditional offer has been made by the hiring manager and accepted by the finalist. Employment may not begin until the College District accepts as satisfactory the results of the
background check. If circumstances require that an offer be made before the completion of a background check, the offer must be in writing and state that the offer is contingent on the completion of a satisfactory background check. Any exception(s) must be authorized by the Director of Human Resources. If the finalist does not receive a satisfactory background check, the job offer will be withdrawn and the candidate may not be hired in the position.

Responsible party or parties must be identified for the following key actions:

1. Obtaining the authorization form to conduct the background check - shall be done by the HR department or third party vendor.
2. Conducting the background check shall be initiated by the HR department.
3. Making the decision to offer employment to an applicant shall be recommended by the HR department in consultation as appropriate with the appropriate administrators.
4. The decision to promote, transfer or reclassify an employee shall be recommended by the HR department in consultation with the appropriate administrators.

The College District or third party vendor shall obtain an authorization form from the applicant prior to conducting a background check. The authorization may be in either paper or electronic form. The form must include the notice required by Texas Government Code § 559.003, as it may be amended from time to time.

All background history record information obtained by the College District may be used only for the purpose of evaluating applicants for employment and shall not be used to discriminate on the basis of race, color, national origin, religion, sex, handicap, age or against other protected groups.

Background history record information, including conviction information contained therein, will be regarded as confidential as required by law and will not be made a part of the applicant’s file or the employee’s personnel file or communicated to any unauthorized person (Texas Government Code § 411.085).

The College District’s policies and procedures do not automatically disqualify from employment all individuals with conviction records. The procedures shall provide that, in the event the investigation reveals criminal convictions or other related relevant information, the Human Resources Director will advise on a case-by-case basis whether the individual is qualified based on factors such as:

1. Specific duties of the position;
2. Number of offenses;
3. Nature of each offense;
4. Length of intervening time between the offense and the employment decision;
5. Employment history;
6. Efforts at rehabilitation; and
7. Accuracy of the information that the individual provided on the employment application.
Satisfactory and Unsatisfactory Results
A review will not be considered to be satisfactory if the background check identifies:

1. Conviction for an offense that involved use or possession of an unlawful weapon or firearm;
2. Conviction for an offense under the following sections of the Texas Penal Code: Title 5 (Offenses Against the Person); Title 6 (Offenses Against the Family); or Chapter 43 (Public Indecency) or their counterparts in other states; or
3. Conviction for an offense that involves misconduct pertinent to the job responsibilities of the position for which the applicant is being considered.

An applicant, whose record indicates that criminal charges are pending, may not be considered for a position until final disposition of the charges. This assessment will follow the guidelines established under “Satisfactory and Unsatisfactory Results” of this policy.

Decision about Hiring and Communication of Results
If the background check is satisfactory, the HR department will communicate this conclusion to the hiring manager. The hiring process may be completed and/or the conditional nature of any offer of employment removed.

If the background check identifies convictions, the Director of Human Resources or designee will discuss with the hiring and approval managers the candidate’s eligibility for hire. This review will consider the essential function of the position, the details regarding the conviction, whether the conviction should have been disclosed in the hiring process and what verification might be appropriate.

Use of Information Collected in a Criminal Background Check
The only information that will be retained by the College District is whether the applicant has passed or failed the background check.

All conviction and other background data collected under these procedures shall be used for the exclusive purpose of evaluating the individual for employment, shall be privileged and confidential, and shall not be released or otherwise disclosed to any other person or agency (other than those persons involved in the hiring process) except under court order. After hire, all background and/or criminal history information relating to the application will be destroyed by shredding. Documentation of non-hire will only state the background check verification was not satisfactory for the position applied. Any employee who releases or causes to be released information collected pursuant to this procedure shall be subject to the penalties established for disclosure of confidential information in the Texas Open Records Act, under Texas Penal Code §411.085 and under College District operating rules.

Employee Rights and Obligations
Prior to report destruction, any applicant for a position who is not hired because the College District received an unsatisfactory report may request a copy of the report for personal review. An applicant who states his or her background information is not correct shall not be eligible for hire or appointment to a position within the College District until the official records utilized by the College District confirm the correction to the information. The College District is not obligated to hold a position or an offer open to allow a candidate to correct his or her record.

Current Employee Checks
The College District reserves the right to perform a background check for any position(s) or person(s) or for any department(s) for good cause.